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Appl. No. 10/015,158
Amdt. Dated February 9, 2006
Reply to Office Action of November 29, 2005

FEB 09 2006

Docket No. CE04833N
Customer No. 23330

REMARKS

Claims 1, 9, 17 and 26 have been amended. Claims 3, 10, 19 and 27 have been cancelled. Claims 1, 2, 4-9, 11-18, 20-26 and 28-33 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

U.S.C. §112, second paragraph

Claim 9 has been rejected under U.S.C. §112, second paragraph, due to a typographical error. The limitation "communication resource" has been amended to "base station" to correct the typographical error. Therefore, it is believed that this rejection is overcome.

U.S.C. 102(b)

Claims 1, 4, 17, 24, 26 and 32 are rejected under U.S.C. §102(e) as being anticipated Schober et al. (U.S. Patent No. 6,493,320, hereinafter Schober). Applicants respectfully traverse the rejection. Applicant's independent claims 1, 17 and 26 call for, among other things, monitoring a link parameter via the physical layer element, the link parameter being associated with the communication link, and wherein the link parameter is associated with an Ethernet link.

Schober teaches coupling one router to another router using a high speed plesiochronous, parallel link (abstract). Link control units communicate with each other to initialize, tune and test the link (column 2, lines 26-27). The link control unit adjusts operating parameters of drivers and receivers in order to compensate for material and dimensional characteristics that vary for each particular link (column 5 lines 50-53).

Plesiochronous systems run in a state where different parts of the system are almost, but not quite perfectly, synchronized. The International Telecommunication Union (ITU) Telecommunication Standardization Sector (ITU-T) states that corresponding signals are

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plesiochronous if their significant instants occur at nominally the same rate, with any variation in rate being constrained within specified limits. In general, *plesiochronous systems behave similarly to synchronous systems*, except that they must have some means to cope with "sync slips", which will happen at intervals due to the plesiochronous nature of the system. The modern tendency in systems engineering is towards using systems that are either fundamentally *asynchronous (such as Ethernet)*, or fundamentally synchronous (such as Synchronous Digital Hierarchy (SDH)), and layering these where necessary, rather than using a mixture between the two in a single technology (see Wikipedia definition of Plesiochronous).

It is clear that a plesiochronous link is similar to a synchronous link, while the recited limitation of an Ethernet link is an asynchronous link. While Schober teaches plesiochronous links, Schober does not teach or suggest an Ethernet link, which is fundamentally different from a plesiochronous link. Therefore, the teachings of Schober do not apply to Applicant's recited limitations. It is respectfully requested that the rejection be withdrawn and the claims proceed to allowance. The dependent claims are deemed allowable for the same reasons as the independent claims 1, 17 and 26.

U.S.C. 103

Claims 2, 8, 9, 16, 18, 25 and 33 are rejected under U.S.C. §103 as being unpatentable over Schober et al. in view of Grilli et al. (U.S. Patent Publication No. 2004/0032836, hereinafter Grilli). Claims 3, 10, 19 and 27 33 are rejected under U.S.C. §103 as being unpatentable over Schober in view of Grilli in further view of Silverman (U.S. Patent No. 6,731,649, hereinafter Silverman). Claims 11, 12, 13 and 15 33 are rejected under U.S.C. §103 as being unpatentable over Schober in view of Grilli in further view of Kondylis et al. (U.S. Patent No. 6,665,311, hereinafter Kondylis). Claims 5, 6, 20-22 and 28-30 33 are rejected under U.S.C. §103 as being unpatentable over Schober in view of Kondylis. Applicants respectfully traverse the rejections.

It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2142). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

References do not teach all of the claim limitations:

Applicants' respectfully traverse this rejection as all of the claimed elements are not found in the cited references. Applicant's independent claim 9 calls for, among other things, a *base station controller and a base station are in communication via a communication link*, and wherein the base station is operable to enable a reset, the base station comprising a reset element operatively coupled to the processor and the physical layer element, the reset element being operable to monitor a *link parameter associated with the communication link* via the physical layer element, and wherein the link parameter is *associated with an Ethernet link*; and the reset element being operable to restore the base station to an initial state in response to a trigger event so that the *base station controller is operable to reestablish communication with the base station*.

Schober teaches coupling one router to another router using a high speed plesiochronous, parallel link (abstract). Link control units communicate with each other to initialize, tune and test the link (column 2, lines 26-27). The link control unit adjusts operating parameters of drivers and receivers in order to compensate for material and dimensional characteristics that vary for each particular link (column 5 lines 50-53).

As established above, plesiochronous systems (such as that taught by Schober) behave similarly to synchronous systems, while Ethernet systems (as claimed by Applicants) are fundamentally asynchronous.

Grilli teaches schemes to time-align transmission from multiple base stations to a terminal (abstract), where a terminal may be a mobile station, wireless device, etc. (paragraph 0029). Grilli goes on to teach obtaining the difference between a timing of a first base station and a timing of a reference base station in the wireless communication system and reporting these to a mobile device (paragraph 0011 to 0016). Grilli only teaches a method of solving the arrival times of signals from multiple base stations to a mobile device. Grilli does not teach or suggest a communication link between *a base station and a base station controller* where the base station includes a reset element being operable to monitor a *link parameter associated with the communication link* via the physical layer element, and wherein the link parameter is *associated with an Ethernet link*; and the reset element being operable to restore the base station

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to an initial state in response to a trigger event so that the *base station controller is operable to reestablish communication with the base station.*

The teachings of Silverman or Kondylis do not make up for the deficiencies of Schober and Grilli. Therefore, claims dependent on independent claims 1, 17 and 26 are deemed allowable for the same reasons stated in the §102(e) rejection above. Further, since the cited references of Schober and Grilli do not teach all of the claimed limitations of Applicants' independent claim 9, the cited references cannot make obvious claim 9 nor the claims dependent upon claim 9.

There is no motivation to combine the cited references

As shown above, Schober teaches exclusively a plesiochronous system. Grilli teaches the use of W-CDMA in the communication of multiple base stations to a mobile device. Neither Ethernet nor W-CDMA are taught by Schober. In fact, one skilled in the art of mobile communication systems such as that taught by Grilli would not use the plesiochronous system taught by Schober to solve the problem in Grilli. Therefore, there is no suggestion to combine the references and certainly no teachings in either reference that would suggest a modification of Grilli to use the system of Schober. Any assertion that such a motivation to combine exists, is hindsight reconstruction based on Applicant's disclosure.

Therefore, it is respectfully requested that the rejection be withdrawn and the claims proceed to allowance.

Allowable Subject Matter

Claims 7, 14, 23 and 31 are allowable if rewritten to include the limitations of the base claim and any intervening claims.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.


Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117, Motorola, Inc..

Respectfully submitted,

SEND CORRESPONDENCE TO:
Motorola, Inc
Law Department
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 23330

By: _____


Kevin D. Wills
Attorney of Record
Reg. No.: 43,993
Telephone: 480-732-5364
Fax No.: 480-732-2402

Attachments